

BINGHAM McCUTCHEN LLP
William Bates III (SBN 63317)
bill.bates@bingham.com
Christopher M. O'Connor (SBN 229576)
christopher.oconnor@bingham.com
Sarah L. Bishop (SBN 258051)
1117 S. California Avenue
Palo Alto, CA 94304-1106
T: 650.849.4400 F: 650.849.4800

Attorneys for Plaintiff WASHINGTON C. MONTANO

KAMALA D. HARRIS
Attorney General of California
TYLER B. PON
Supervising Deputy Attorney General
WILFRED FONG (SBN 154303)
Deputy Attorney General
JEFFREY R. VINCENT (SBN 161013)
Deputy Attorney General
jeffrey.vincent@doj.ca.gov
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
T: 510.622.2127 F: 510.622.2270

Attorneys for Defendant CESAR L. SINNACO, M.D.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

WASHINGTON C. MONTANO,

Plaintiff,

v.

CESAR L. SINNACO, M.D.,

Defendant.

No. 5:04-cv-00543-CW

**STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE TRIAL DATE
IN LIGHT OF TENTATIVE
SETTLEMENT AGREEMENT**

Judge: Hon. Claudia Wilken
Ctrm: 2

Action Filed: Feb. 9, 2004
Trial: December 9, 2011

1 By and through this Stipulation, Plaintiff Washington C. Montano and Defendant Cesar
2 L. Sinnaco (together "the Parties") through their counsel of record, pursuant to Local Rules 7-12
3 and 40-1 stipulate to a request to vacate the trial dates currently on calendar, subject to Court
4 approval.

5 WHEREAS trial in this matter is set to begin on Friday December 9, 2011;

6 WHEREAS the Parties have engaged in settlement discussions throughout the litigation
7 of this case, including two settlement conferences with Magistrate Judge Vadas;

8 WHEREAS the Parties reached a tentative settlement agreement that contemplates
9 payment of monetary consideration and the occurrence of an independent medical evaluation and
10 any recommended treatment of Plaintiff's left foot and ankle by an orthopedic surgeon;

11 WHEREAS the Parties need time to finalize and translate the written settlement
12 agreement, including identification of the orthopedic surgeon and scheduling of the appointment;

13 WHEREAS counsel will also need time to obtain their clients' signatures on the final
14 settlement agreement, including time required to obtain Plaintiff's signature either by mail or in
15 person after scheduling a legal visit to the prison;

16 WHEREAS when the parties consummate the settlement agreement, trial will be moot,
17 and the Parties do not wish to burden the Court with unnecessary work or needlessly expend the
18 Parties' resources on a trial;

19 NOW, THEREFORE, the Parties stipulate that:

20 (a) the trial date in this case and any and all related deadlines on calendar shall be vacated
21 pending consummation of the settlement agreement and the filing of a dismissal of this action;
22 and

23 *[Remainder of Page Intentionally Left Blank]*
24
25
26
27
28

(b) a status conference be set in or about February 2012, to be held in the event that no final settlement could be reached.

DATED: December 6, 2011

ATTORNEY GENERAL OF CALIFORNIA

By: /s/ Jeffrey Vincent
Jeff. R. Vincent
Attorneys for Defendant

I, Christopher M. O'Connor, declare, under penalty of perjury under the laws of the United States of America, that Deputy Attorney General Jeffrey Vincent has concurred in the filing of this document.

Dated: June 10, 2011

BINGHAM McCUTCHEN LLP

By: /s/ Christopher M. O'Connor
Christopher M. O'Connor
Attorneys for Plaintiff Washington C. Montano

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 7, 2011

By: 
Hon. Claudia Wilken
United States District Judge